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OFFICE OF PETITIONS

In re Application of :
Tracy, et al. :
Application No. 10/619,812 :
Filed: July 15, 2003 :
Attorney Docket No. 29757/AG40-CON :

ON PETITION

This is a decision on the petition under 37 CFR 1.181, filed May 13, 2005, to withdraw the holding of abandonment. The petition was recently forwarded to this office for review.

The petition is **GRANTED**.

This application became abandoned for failure to timely file a proper reply to the final Office action mailed June 23, 2004. Accordingly, this application became abandoned on September 24, 2004. A Notice of Abandonment was mailed on March 31, 2005.

Petitioner asserts that a "Request for Continued Examination" (RCE) with an amendment and response were timely submitted on August 26, 2004. In support, petitioner has submitted a copy of the originally filed RCE, amendment and response. The RCE, amendment and response each contain an executed Certificate of Mailing under 37 CFR 1.8 dated August 26, 2004. Additionally, a copy of applicants' postcard receipt that acknowledges receipt of an "Amendment and Response and Request for Cont'd Examination" on August 30, 2004, accompanied the petition.

Accordingly, the petition is granted and the holding of abandonment is withdrawn.

Please note, the application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

This application is being forwarded to Technology Center 3700, for review of the RCE and amendment and response, filed May 13, 2005 (originally filed August 30, 2004).

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3228.

A handwritten signature in black ink, appearing to read 'E. Tannouse', followed by a horizontal line.

Edward J. Tannouse
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

cc.

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